IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 2406 of 1992

Between:

1 S.T.V.N.Hindu High School Committee Pentapadu
regd.in 1921-22 under the Indian Companies Act,1913 as a non trading, non profitable company rep.by its Secretary S.K.Venkateswarulu
Thallamudunurupadu,West Godavari District.
2 S.T.V.N.Hindu High School, an Educational Institution recognised by the Government of A.P Education Dept
AP Education Act 1 of 82) rep.by its Secretary S.K.Venkateswarulu
Thallamudunurupadu, West Godavari District.

.....PETITIONERS

AND

1 Government of A.P (Endowments)
rep.by its Secretary, Endowments Dept Secretariat Buildings, Hyderabad.
2 Commissioner for Endowments Govt. of A.P
Tilak Road, Hyderabad.
3 Deputy Commissioner for Endowments Govt. of A.P
Kakinada
4 Assistant Commissioner for Endowments Endowments Department,Eluru (West Godavari Dist)
5 Inspector of Endowments Govt of A.P
Tadepalligudem.
6 Govt of A.P (Education) Rep.by its Secretary (Education Dept) Secretariat Hyderabad.
7 Director of School Educaiton, Hyderabad.
8 Sri Ramagani Srinivas S/o.Satyanarayana
R/o.Pentapadu
9 Sri Alamanda Venkata Narasimharao S/o.Bangaraiah
R/o.Pentapadu
10 Sri Karri Veera Venkata Reddy S/o.Venkata Reddy

R/o.Pentapadu

11 Smt.Dasari Eshwaramma W/o.Venkanna
R/o.Darsiparru

12 Smt.Parimi Ramachandramurthy S/o.Gopalakrishna
R/o.Pentapadu

13 Smt.M.V.S.S.L.Narasamba S/o.V.V.Satyanarayana
R/o.Pentapadu

14 Sri Digamarti Jayaraju S/o.Venkanna
R/o.Pentapadu

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ or Order or directions in the nature of a Writ of Mandamus to declare the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act 1987 (Act 30 of '87) as unconstitutional and grant the consequential directions to Respondents 1 to 4 not to enforce all or any of the provisions of the Act 30 of '87 against the first petitioner the S.T.V.N.Hindu High School Committee, Pentpadu, West Godavari District, a non trading non profitable company under the Indian Companies Act and the Second petitioner S.T.V.N.Hindu High School and its properties covered by the provisions of the A.P.Education Act 1 or '82.

Counsel for the Petitioner:MR.D.V.SITARAMAMURTHY

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court made the following :

ORDER:

In this writ petition, the petitioners seek to declare the provisions of A.P. Charitable and Hindu Religious Institutions & Endowments, Act, 1987 (for short "the Act"), as unconstitutional, and consequently to direct respondents 1 to 4 not to enforce all or any of the provisions of the Act to the first petitioner-School Committee, non-profitable company under the Indian Companies Act and the 2nd petitioner and its properties are covered by the provisions of A.P.Education Act 1 of 1982.

When the matter came up today for hearing, the learned Counsel for the petitioner submitted that the Government may exempt any charitable institution or endowment founded for educational purpose or for providing medical relief from the operation of the provisions of the Act or any rules made thereunder, as provided in Section 154 (b) of the Act, which reads thus:

154.Exemptions:- The Government may by notification, exempt from the operation of any of the provisions of this Act or any of the rules made thereunder,--

a)……..

b) any charitable institution or endowment founded for educational purpose or for providing medical relief.;

Having regard to the above submission of the learned counsel for the petitioner, and in view of the alternative remedy available to the petitioners as provided under Section 154(b) of the Act, I direct the petitioners to file an application within a period of four weeks from today, before the Government under Section 154(b) of the Act, if not already filed, and on such application being filed by the petitioner, the Government shall consider the same and pass appropriate orders thereon within a period of eight weeks thereafter. Till such time *status quo* shall be maintained.

With the above directions, the writ petition is disposed of. No costs.

25.11.2004

MRKR/KK

To

1 The Secretary, Government of A.P (Endowments)
Endowments Dept Secretariat Buildings, Hyderabad.
2 The Commissioner for Endowments Govt. of A.P
Tilak Road, Hyderabad.
3 The Deputy Commissioner for Endowments Govt. of A.P
Kakinada
4 The Assistant Commissioner for Endowments Endowments Department,Eluru (West Godavari Dist)
5 The Inspector of Endowments Govt of A.P
Tadepalligudem.
6 The Secretary, Govt of A.P (Education), Education Dept., Secretariat, Hyderabad.
7 Director of School Educaiton, Hyderabad.

8. Two C.C.copies to the Government Pleader for Endowments, High Court Buildings, Hyderabad. (OUT)

9. Two C.D.copies.